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NOTICE OF ALLOWANCE AND FEE(S) DUE

21552 7590 02/26/2010

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY, UT 84101

EXAMINER

DENG, ANNA CHEN

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 02/26/2010

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/787,366

02/26/2004

David A. Eatough

3408.2.6

7955

TITLE OF INVENTION: SYSTEMS AND METHODS FOR WRITING AN IMAGE TO A COMPUTER SYSTEM

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1510 | \$0 | \$0 | \$1510 | 05/26/2010 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21552 7590 02/26/2010

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY, UT 84101

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/787,366 | 02/26/2004 | David A. Eatough | 3408.2.6 | 7955 |

TITLE OF INVENTION: SYSTEMS AND METHODS FOR WRITING AN IMAGE TO A COMPUTER SYSTEM

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| nonprovisional | NO | \$1510 | \$0 | \$0 | \$1510 | 05/26/2010 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| DENG, ANNA CHEN | 2191 | 717-174000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 21552 | 7590 | 02/26/2010 | EXAMINER | |
| AUSTIN RAPP & HARDMAN 170 South Main Street, Suite 735 SALT LAKE CITY, UT 84101 | | | DENG, ANNA CHEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2191 | |
| DATE MAILED: 02/26/2010 | | | | |

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 724 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 724 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

| | | | |
|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/787,366 | EATOUGH ET AL. | |
| | Examiner | Art Unit | |
| | ANNA DENG | 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/15/2010.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7-11,13-16 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Anna Deng/
Primary Examiner, Art Unit 2191

DETAILED ACTION

1. This action is in response to amendment filed on 1/15/2010.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/15/2010 has been entered.
3. The rejection under 35 U.S.C. 103 (a) as being unpatentable over Chen et al. (US 6,418,449 B1), in view of Peters et al. (US 6,920,555 B1) to claims 1-18 is withdrawn in view applicant's amendment.
4. Claims 6, 12, and 17 have been canceled in this action (see Examiner's Amendment below).
5. Claims 1, 10, 13, and 15 have been amended in this action (see Examiner's Amendment below).
6. Claims 1, 2, 4, 5, 7-11, 13-16, and 18 are pending.
7. Claims 1, 2, 4, 5, 7-11, 13-16, and 18 are allowed.

EXAMINER'S AMENDMENT

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wesley L. Austin (Reg. No. 42,273) on 2/3/2010 to place the application in condition for allowance.

The application has been amended as follows:

In the Claims:

Claims 6, 12, and 17 have been canceled.

Claims 1, 10, 13, and 15 have been amended as follows:

1. (Currently Amended) A method for writing an image to a storage device of a computer system, the method comprising:

receiving an image on the computer system, wherein the computer system has a current operating system and includes a hard drive having a file system;

storing the image on the computer system;

using an imaging tool to read the image from the computer system by making read calls to a temporary file system and write the image to the hard drive of the computer system through the an use of the temporary file system, wherein the

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temporary file system is implemented at a BIOS level through an use of an interrupt, wherein the temporary file system is transparent to the imaging tool, wherein the temporary file system is not the file system of the hard drive, and wherein the imaging tool writes the image to the hard drive of the computer system such that the imaging tool accesses the image from a same partition of the hard drive as to which the imaging tool is writing the image.

10. (Currently Amended) A computer-readable medium for storing program data, wherein the program data comprises executable instructions for writing an image to a storage device of a computer system, wherein the executable instructions are for:

running an imaging operating system on the computer system, wherein the computer system has a current operating system that is not running, and wherein the computer system has a current operation system that is not running, and wherein the computer system further includes a hard drive having a file system;

receiving an image on the computer system;

storing the image on the hard drive of the computer system without using the file system; and

writing the image to the hard drive of the computer system using an imaging tool, wherein the image is read from the computer system by the imaging tool making read calls to a temporary file system and the image is written to the hard drive of the computer system through the an use of the temporary file system, wherein the temporary file system is implemented at a BIOS level by redirecting access of one or

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more storage devices, wherein the temporary file system is transparent to the imaging tool, wherein the temporary file system is not the file system of the hard drive, and wherein the imaging tool writes the image to the hard drive of the computer system such that the imaging tool accesses the image from a same partition of the hard drive as to which the imaging tool is writing the image.

13. (Currently Amended) The computer-readable medium of claim ~~[[12]]~~10, wherein executable instructions are further executable for communicating with an administrative system via a computer network.

15. (Currently Amended) A system for imaging a computer system, the system comprising:

- an administrative computer system in electronic communication with a computer network, wherein the administrative computer system comprises:

- an image for use with a target computer system; and

- an imaging server for managing imaging processes on other computers;

- a the target computer system in electronic communication with the computer network, wherein the target computer system comprises:

- a computer-readable medium that is part of the target computer system or is in electronic communication with the target computer system, the computer-readable medium comprising instructions for the target computer system to write the image to a storage device, wherein the instructions are for:

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running an imaging operating system on the target computer system, wherein the target computer system has a current operating system that is not running, and wherein the target computer system further includes a hard drive having a file system;

receiving the image from the administrative computer system;

storing the image on the hard drive of the target computer system without using the file system; and

writing the image to the hard drive of the target computer system using an imaging tool, wherein the image is read from the target computer system by the imaging tool making read calls to a temporary file system and the image is written to the hard drive of the target computer system through ~~the~~ an use of the temporary file system, wherein the temporary file system is implemented at a BIOS level by redirecting access of one or more storage devices, wherein the temporary file system is transparent to the imaging tool, wherein the temporary file system is not the file system of the hard drive, and wherein the imaging tool writes the image to the hard drive of the target computer system such that the imaging tool accesses the image from a same partition of the hard drive as to which the imaging tool is writing the image .

REASONS FOR ALLOWANCE

9. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with other claimed limitations, using an imaging tool to read the image from the computer system by making read calls to a temporary file system and write the image to the hard

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drive of the computer system through an use of the temporary file system, wherein the temporary file system is implemented at a BIOS level through an use of an interrupt as recites in independent claim 1, and further fails to teach similarly worded limitations in independent claims 10 and 15.

The closes cited prior art, the combination of Chen et al. (US 6,418,449 B1), and Peters et al. (US 6,920,555 B1) teaches a method for writing an image to a storage device of a computer system. However, the combination of Chen et al. and Peters et al. fails to teach using an imaging tool to read the image from the computer system by making read calls to a temporary file system and write the image to the hard drive of the computer system through an use of the temporary file system, wherein the temporary file system is implemented at a BIOS level through use of an interrupt as recites in independent claim 1, and further fails to teach similarly worded limitations in independent claims 10 and 15 as pointed out in applicant's Remarks, page 9.

These claimed limitations are not present in the prior art of record and would not have been obvious, thus all pending claims 1, 2, 4, 5, 7-11, 13-16, and 18 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Mondays to Fridays 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Primary Examiner, Art Unit 2191

2/4/2010